


DATE: August 15, 2005
TO: Municipal Clerk
FROM: Byron E. Johnson, C.P.M.
Director of Purchasing x 4313
THRU: Rachel Johnson
Clerk Typist II x 4162



Please place the following item on the **REGULAR** agenda for the Council Meeting of **AUGUST 30, 2005**.

Item should read as follows:

Public Hearing to make a determination by City Council that Spartan Construction Services Inc., is not a responsible bidder on The Indian Place Street & Drainage Improvements, Bid No. 2005-207.

On Wednesday July 13, 2005 bids were opened for The Indian Place Street & Drainage Improvements, solicitation number 2005-207. Upon completion and review of the official bid tabulation for the subject project, it was determined that the apparent low bidder was Spartan Construction Services Inc.

Spartan Construction presented insufficient information in regards to experience, expertise, and financial capability. It is the opinion of City Staff and the City's design consultant, on The Indian Place Street & Drainage Improvements Project, that Spartan Construction Services Inc., is not a responsible bidder.

After closing of the hearing, staff recommends passage of a motion stating that:

Spartan Construction Services is deemed a non-responsible bidder for bid number 2005-207.

Contact person: Byron Johnson, C.P.M., Director of Purchasing at (915) 541-4313

AGENDA FOR: **AUGUST 30, 2005**

CITY OF EL PASO, TEXAS
DEPARTMENT HEAD'S SUMMARY REQUEST FOR COUNCIL ACTION (RCA)

DEPARTMENT: Purchasing

AGENDA DATE: August 30th., 2005

PROJECT NAME/SOLICITATION NO. Indian Place Street & Drainage Improvements / 2005-207

CONTACT PERSON/PHONE: Byron Johnson, Director of Purchasing, Ext. 4313

DISTRICT (S) AFFECTED: 7

SUBJECT:

Public Hearing to make a determination by City Council that Spartan Construction Services Inc., is not a responsible bidder on The Indian Place Street & Drainage Improvements Solicitation No. 2005-207.

BACKGROUND / DISCUSSION:

On Wednesday July 13, 2005 bids were opened for Indian Place Street & Drainage Improvements, solicitation number 2005-207. Upon completion and review of the official bid tabulation for the subject project, it was determined that the apparent low bidder was Spartan Construction Services Inc.

Spartan Construction presented insufficient information in regards to experience, expertise, and financial capability. It is the opinion of City Staff and the City's design consultant, on The Indian Place Street & Drainage Improvements Project, that Spartan Construction Services Inc., is not a responsible bidder.

After closing of the hearing, staff recommends passage of a motion stating that:

Spartan Construction Services is deemed a non-responsible bidder for Solicitation Number 2005-207.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

***** REQUIRED AUTHORIZATION *****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

OTHER:

(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

DATE: August 15, 2005
TO: Municipal Clerk
FROM: Byron E. Johnson, C.P.M.
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THRU: Rachel Johnson
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Spartan Construction Services is deemed a non-responsible bidder for bid number 2005-207.

Contact person: Byron Johnson, Director, Purchasing (915) 541-4313

AGENDA FOR: **August 30, 2005**

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL

ANN MORGAN LILLY
DISTRICT NO. 1

SUSIE BYRD
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

MELINA CASTRO
DISTRICT NO. 4

PRESI ORTEGA, JR.
DISTRICT NO. 5

EDDIE HOLGUIN, JR.
DISTRICT NO. 6

STEVE ORTEGA
DISTRICT NO. 7

BETO O'ROURKE
DISTRICT NO. 8

**PURCHASING DEPARTMENT
CONSTRUCTION BIDDING OFFICE**
(915) 541-4263 Fax (915) 541-4016

July 14, 2005

Paul H. Flynn, President
Spartan Construction Services, Inc.
279 Shadow Mountain #212
El Paso, TX 79912

RE: Indian Place street & Drainage Improvements, Solicitation No. 2005-207

Dear Mr. Flynn:

Spartan Construction Services, Inc. is the apparent low bidder on the above referenced project. To better assist us in the evaluation of your bid and company, please provide:

- Qualification and Financial Disclosure Statement. Pages I-H-1 through I-H-4 of the bid document (copy enclosed).
- Preliminary Schedule of Values

Additionally, please review your bid to ensure that you have included all components of the project as called for within the bid plans and specifications. If you feel comfortable that your bid is complete, please provide written assurance on company letterhead so stating.

Please provide this information to my attention at your earliest convenience, but no later than 4:00 p.m. on Monday, July 18, 2005. Should you have any questions, call me at (915) 541-4748.

Sincerely,

Jaime Huerta
Contract Compliance Specialist

Enclosure

cc: Javier Reyes, Program Manager
Nicolas Diaz, Project Coordinator
Contract/Correspondence Files

Spartan Construction Services, Inc.

P.O. Box 12627 • El Paso, Texas 79913 • (915) 585-0085 • (915) 585-9793

July 19, 2005

City of El Paso
Attn: Jaime Huerta
2 Civic Center Plaza
7th Floor-Purch. Dept.
El Paso TX, 79901

Fax: 541-4016

RE: Indian Place Street & Drainage Improvements Bid #2005-207

Dear Mr. Huerta:

We are in receipt of your letter dated July 14th, 2005 regarding the above-mentioned project. You requested a preliminary schedule of values, but the bid items ARE the schedule of values.

If you have any questions or concerns concerning this matter, please call our office at 915-585-0085.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Allen", written in a cursive style.

Steve Allen
Project Manager

Spartan Construction Services, Inc.

P.O. Box 12627 • El Paso, Texas 79913 • (915) 585-0085 • (915) 585-9793

19-Jul-05

City of El Paso
Purchasing Department
Contract Compliance Administration
Attn: Jaime Huerta, Contract Compliance Specialist
#2 Civic Center Plaza, 7th Floor
El Paso, Texas 79901-1196

Re: Indian Place Street & Drainage Improvements, Solicitation No. 2005-207

Dear Mr. Huerta,

Enclosed herewith are the following original documents:

- 1 Spartan Construction Services, Inc. Financial Statements
for the fiscal Year ended December 31, 2003.

Note: these 12/31/03 statements have been prepared by
Jones & Company, Certified Public Accountants after a
thorough review of our internally prepared statements. (15 pages).

- 2 Spartan Construction Services, Inc. Financial Statement
for the fiscal Year ended December 31, 2004.

Note: this 12/31/04 statements has been prepared by
Spartan Construction Services, Inc. We are currently awaiting
the finalization of the review of our 12/31/04 financial statements by Jones & Company,
which we anticipate will be completed with the next four weeks.

In the interim period, I have provided you with our internally prepared
income statement summary. (1 page).

Thank You,
Spartan Construction Services, Inc.


Paul H. Flynn

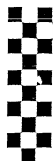
President

RECEIVED

JUL 19 2005

**CITY OF EL PASO
CONSTRUCTION BIDDING**

SPARTAN CONSTRUCTION SERVICES, INC.			
P. O. BOX 12627			
EL PASO, TEXAS 79913			
INCOME STATEMENT FOR TWELVE MONTH PERIOD ENDING:			
31-Dec-04			
		\$ AMOUNT	
PROJECT REVENUES		<u>1,118,346.13</u>	
GROSS OPERATING REVENUES		<u>1,118,346.13</u>	
DIRECT OPERATING COSTS			
DIRECT LABOR		125,990.59	
CONSTRUCTION MATERIALS		150,599.80	
SUBCONTRACT COSTS		18,630.93	
GENERAL CONDITIONS		5,779.66	
EQUIPMENT COSTS		<u>386,495.61</u>	(a)
TOTAL DIRECT OPERATING COSTS		<u>687,496.59</u>	
GROSS OPERATING MARGIN		<u>430,849.54</u>	
INDIRECT OPERATING COSTS & EXPENSES		<u>158,308.65</u>	
SCS OWNED EQUIPMENT USAGE CREDITS		<u>(411,137.51)</u>	(a)
GENERAL & ADMINISTRATIVE EXPENSES		<u>285,607.89</u>	
EARNINGS BEFORE TAXES		<u>398,070.51</u>	



SPARTAN CONSTRUCTION SERVICES, INC.
P.O. BOX 12627
EL PASO, TEXAS 79913
(915) 585-0085
(915) 585-9793 (FAX)

COMPANY SENT TO: CITY OF EL PASO	FROM Paul Flynn
Attention Jaime Huerta	Date 07/18/05
Fax Number (915) 541-4748	Phone Number

☐ Need Price ☐ Reply ASAP ☐ Please Comment ☐ Please review ☐ FYI

Total Pages, including cover: 6

RE: Indian Place Street & Drainage Improvements, Solic. No. 2005-207

Comments: Please review the attached Contractor's Qualification Statement for the above-mentioned project.

Should you have any questions regarding the attached, please advise.

Thank you

Jul. 14. 2005 2:49PM

No.0428

P. 3/6

QUALIFICATION AND FINANCIAL DISCLOSURE STATEMENT
(To be provided by low bidder as requested by Purchasing Department)

PROJECT: Indian Place Street & Drainage Improvements, Solicitation No. 2005-207BIDDER: Spartan Construction Services, Inc.BUSINESS ADDRESS: 279 Shadow Mountain Suite 212 El Paso, TX 79912PHONE NUMBER: (915) 585-0085FAX NUMBER: (915) 585-9793**1. Organization**

1.1 How many years has your organization been in business as a contractor?

4 1/2 years

1.2 How many years has your organization been in business under its present business name?

4 1/2 years

1.2.1 Under what other or former names has your organization operated?

N/A

1.3 If your organization is a corporation, answer the following:

1.3.1 Date of incorporation: 05/29/011.3.2 State of incorporation: Texas1.3.3 President's name: Paul H. Flynn

1.3.4 Vice-president's name(s): _____

1.3.5 Secretary's name: Veronica Sierra

1.3.6 Treasurer's name: _____

1.4 If your organization is a partnership, answer the following:

1.4.1 Date of organization: N/A1.4.2 Type of partnership:
(if applicable) N/A1.4.3 Name(s) of general
partner(s): N/A

Jul.14. 2005 2:49PM

No.0428 P. 4/6

1.5 If your organization is individually owned, answer the following:

1.5.1 Date of organization: N/A

1.5.2 Name of owner: N/A

1.6 If the form of your organization is other than those listed above, describe it and name the principals:

2. Licensing

2.1 List jurisdictions and trade categories in which your organization is legally qualified to do business, and indicate registration or license numbers, if applicable.
Texas & New Mexico

2.2 List jurisdictions in which your organization's partnership or trade name is filed.
Excavation, Asphalt, Utilities, Concrete
N/A

3. Experience

3.1 List the categories of work that your organization normally performs with its own forces.

Excavation, Asphalt, Utilities, Concrete

3.2 Claims and suits. (If the answer to any of the questions below is yes, please attach details.)

3.2.1 Has your organization ever failed to complete any work awarded to it?

No

3.2.2 Are there any judgments, claims, arbitration, proceedings or suits pending or outstanding against its officers?

No

3.2.3 Has your organization filed any law suits or requested arbitration with regard to construction contracts within the last five years?

No

3.3 Within the last five years, has any officer or principal of your organization ever been an officer or principal of another organization when it failed to complete a construction contract? (If the answer is yes, please attach details.)

No

3.4 On a separate sheet, list major construction projects your organization has in progress, giving the name of project, owner, phone number, architects, contract amount, percent complete, scheduled completion date, and type of work performed by your work forces. Include names and phone numbers of contact persons for each project.

See attached

3.4.1 State total worth of work in progress and under contract:

\$ 1,200,000

3.5 On a separate sheet, list the major projects your organization has completed in the past five years, giving the name of project, owner, architect, contract amount, date of completion, the type of work performed by your work forces, and percentage of the

See attached

I-H-2

Jul.14. 2005 2:49PM

No.0428 P. 5/6

cost of the work performed with your own forces. Include names and phone numbers of contact persons for each project.

See attached

3.5.1 State average annual amount of construction work performed during the past five years: See attached

3.6 On a separate sheet, list the construction experience and present commitments of the key individuals of your organization.

Ernie Uzzell, Pedro Hernandez, Fernando Rico, Steve Allen, Fernando Felix

4. References

- (915) 373-4448 (915) 590-6922
- 4.1 Trade References: Don Dukes/DW Dukes Hughes Supply
1000 Pendale (79907) 930 Pendale (79907)
- 4.2 Bank References: State National Bank - David Peterson
690 Sunland Park Bld. P.O. Box 5050
- 4.3 Surety: El Paso, TX 79912 El Paso, TX 79999-5050

Name of Bonding Company:

Infinity Individual Surety

Name & address of agent:

George Black

9005 S. Ada

Chicago, IL 60620

5. Financing

5.1 Financial Statement

5.1.1 Attach a financial statement, preferably audited, including your organization's latest balance sheet and income statement showing the following items:

- a. Cash Flow Statement Will furnish upon written request
- b. Notes to Financial Statement Will furnish upon written request
- c. Auditor Statement Will furnish upon written request
- d. Comparison Statements, if available Will furnish upon written request
- e. Current Assets (e.g., cash, joint venture accounts, accounts receivable, notes receivable, accrued income, deposits, materials inventory and prepaid expenses); Will furnish upon written request
- f. Net Fixed Assets; Will furnish upon written request
- g. Other Assets; Will furnish upon written request
- h. Current Liabilities (e.g., accounts payable, notes payable, accrued expenses, provision for income taxes, advances, accrued salaries and accrued payroll taxes); Will furnish upon written request

Jul.14. 2005 2:50PM

No.0428 P. 6/6

i. Other Liabilities (e.g., capital, capital stock, authorized and outstanding shares par values, earned surplus and retained earnings).

5.1.2 Name and address of firm preparing attached financial statement, and date thereof: Jones & Co.

600 Sunland Park Dr. - El Paso, TX 79912 12/31st/2003

5.1.3 Is the attached financial statement for the identical organization named on page one? Yes

5.1.4 If not, explain the relationship and financial responsibility of the organization whose financial statement is provided (e.g., parent subsidiary).

5. **Financing**

5.2 Will the organization whose financial statement is attached act as guarantor of the contract for construction? Yes

6. **Signature**

6.1 Dated at 1:00 pm this 15th day of July, 2005.

Name of Organization: Spartan Construction Services, Inc.

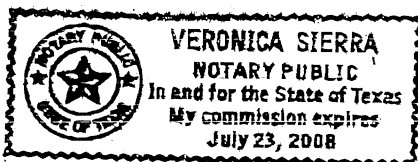
By: Paul H. Flynn
Signature

Paul H. Flynn
Name printed or typed

Title: President

6.2 Veronica Sierra being duly sworn deposes and says that the information provided herein is true and sufficiently complete so as not to be misleading.

Subscribed and sworn before me this 15th day of July, 2005.



Veronica Sierra
Notary Public

My Commission Expires: 7-23-08

SPARTAN CONSTRUCTION SERVICES, INC.

279 Shadow Mountain Ste. #212

EL PASO, TEXAS 79912

TEL: (915) 585-0085

FAX: (915) 585-9793

PROJECTS COMPLETED

PROJECT: Horizon Hills Subdivision
OWNER: Kasco Venture
ARCHITECT: Dorado Engineering
CONTRACT AMOUNT: \$ 400,000.00
% COMPLETED TO DATE: 75%
SCHEDULED TO COMPLETE DATE: August, 2005
POINT OF CONTACT: Fermin Dorado 915-562-0002

PROJECT: Hoy Fox Automotive Shop Parking Lot
OWNER: Hoy Fox
CONTRACTOR: Corwin Consstruction
ARCHITECT: Mora Architect
CONTRACT AMOUNT: \$170,000.00
% COMPLETED TO DATE: 100%
DATE OF COMPLETION: March 2004
POINT OF CONTACT: Max Corwin 915-526-7500

PROJECT: El Diario Warehouses
OWNER: Editoria Paso Del Norte, Inc.
CONTRACTOR: Dieter & James
ARCHITECT: David Marquez
CONTRACT AMOUNT: \$128,000.00
% COMPLETED TO DATE: 100%
SCHEDULED TO COMPLETE DATE: April, 2005
POINT OF CONTACT: Phil Dieter 915-479-8808

PROJECT: El Dorado High School
OWNER: Socorro Independent School District
CONTRACTOR: Gilbane ECM International
ARCHITECT: PSRBB Architects
CONTRACT AMOUNT: \$ 1.3 Million
% COMPLETED TO DATE: 100%
DATE OF COMPLETION: September, 2003
POINT OF CONTACT: David Kessinger 915-727-6454

Spartan Construction Services, Inc.

P.O. Box 12627 • El Paso, Texas 79913 • (915) 585-0085 • (915) 585-9793

July 19, 2005

City of El Paso
Attn: Jaime Huerta
2 Civic Center Plaza
7th Floor-Purch. Dept.
El Paso TX, 79901

Fax: 541-4016

RE: Indian Place Street & Drainage Improvements Bid #2005-207

Dear Mr. Huerta:

We are in receipt of your letter dated July 14th, 2005 regarding the above-mentioned project. We would like to acknowledge that all the bid items are bid correctly and are per plans and specifications.

If you have any questions or concerns concerning this matter, please call our office at 915-585-0085.

Sincerely,



Steve Allen
Project Manager

Spartan Construction Services, Inc.

P.O. Box 12627 • El Paso, Texas 79913 • (915) 585-0085 • (915) 585-9793

July 19, 2005

City of El Paso
Attn: Jaime Huerta
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7th Floor-Purch. Dept.
El Paso TX, 79901

Fax: 541-4016

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Sincerely,



Steve Allen

Project Manager

Spartan Construction Services, Inc.

P.O. Box 12627 • El Paso, Texas 79913 • (915) 585-0085 • (915) 585-9793

19-Jul-05

City of El Paso
Purchasing Department
Contract Compliance Administration
Attn: Jaime Huerta, Contract Compliance Specialist
#2 Civic Center Plaza, 7th Floor
El Paso, Texas 79901-1196

Re: Indian Place Street & Drainage Improvements, Solicitation No. 2005-207

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for the fiscal Year ended December 31, 2003.

Note: these 12/31/03 statements have been prepared by
Jones & Company, Certified Public Accountants after a
thorough review of our internally prepared statements. (15 pages).

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for the fiscal Year ended December 31, 2004.


Note: this 12/31/04 statements has been prepared by
Spartan Construction Services, Inc. We are currently awaiting
the finalization of the review of our 12/31/04 financial statements by Jones & Company,
which we anticipate will be completed with the next four weeks.

In the interim period, I have provided you with our internally prepared
income statement summary. (1 page).

Issued Feb 15, 2005

Not yet issued

Thank You,
Spartan Construction Services, Inc.


Paul H. Flynn
President

RECEIVED

JUL 19 2005

**CITY OF EL PASO
CONSTRUCTION BIDDING**

SPARTAN CONSTRUCTION SERVICES, INC.		
P. O. BOX 12627		
EL PASO, TEXAS 79913		
INCOME STATEMENT FOR TWELVE MONTH PERIOD ENDING:		
31-Dec-04		
	\$ AMOUNT	
PROJECT REVENUES	<u>1,118,346.13</u>	
GROSS OPERATING REVENUES	<u>1,118,346.13</u>	
DIRECT OPERATING COSTS		
DIRECT LABOR	125,990.59	
CONSTRUCTION MATERIALS	150,599.80	
SUBCONTRACT COSTS	18,630.93	
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GROSS OPERATING MARGIN	<u>430,849.54</u>	
INDIRECT OPERATING COSTS & EXPENSES	<u>158,308.65</u>	
SCS OWNED EQUIPMENT USAGE CREDITS	<u>(411,137.51)</u>	(a)
GENERAL & ADMINISTRATIVE EXPENSES	<u>285,607.89</u>	
EARNINGS BEFORE TAXES	<u>398,070.51</u>	

Balance Sheet is missing?

(a) what is this referencing?

SPARTAN CONSTRUCTION SERVICES, INC.

FINANCIAL STATEMENTS

DECEMBER 31, 2003



CERTIFIED PUBLIC
ACCOUNTANTS



CERTIFIED PUBLIC
ACCOUNTANTS

To the Stockholders
Spartan Construction Services, Inc.
El Paso, Texas

We have reviewed the accompanying balance sheet of Spartan Construction Services, Inc., as of December 31, 2003, and the related statements of income, stockholders' equity, and cash flows, in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. All information contained in these financial statements is the representation of the management of Spartan Construction Services, Inc.

A review consists principally of inquiries of Company personnel and analytical procedures applied to financial data. It is substantially less in scope than an audit in accordance with generally accepted auditing standards, the objective of which is the expression of an opinion regarding the financial statements taken as a whole. Accordingly, we do not express such an opinion.

Based on our review, we are not aware of any material modifications that should be made to the accompanying financial statements in order for them to be in conformity with generally accepted accounting principles.

The data presented in Schedules 1 through 4 accompanying the financial statements is presented only for supplementary analysis purposes and has been subjected to the inquiry and analytical procedures applied in the review of the basic financial statements. We did not become aware of any material modifications that should be made to such data.

Jones & Company

February 15, 2005

TERRACE GARDENS OFFICE PARK
600 SUNLAND PARK DRIVE
BUILDING THREE, SUITE 400
EL PASO, TEXAS 79912

(915) 585-1739
FAX (915) 587-6199
www.jonesandco.net

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SPARTAN CONSTRUCTION SERVICES, INC.

BALANCE SHEET

DECEMBER 31, 2003

ASSETS

CURRENT

Accounts receivable

Contracts

Retainage

\$ 339,338

27,756

\$ 367,094

Due from related party

2,382

Other receivables

35,000

Deposits

920

TOTAL CURRENT ASSETS

405,396

PROPERTY AND EQUIPMENT

Construction equipment

386,936

Vehicles

14,630

Office equipment

13,561

Equipment - other

30,000

445,127

Less accumulated depreciation

157,600

NET PROPERTY AND EQUIPMENT

287,527

OTHER ASSETS

Cash, restricted

100% restricted

50,589

Deferred tax asset

5,613

TOTAL OTHER ASSETS

56,202

TOTAL ASSETS

\$ 749,125

See accompanying notes and accountants' report.

LIABILITIES AND STOCKHOLDERS' EQUITY

CURRENT LIABILITIES

Bank overdraft	\$ 23,799
Note payable	99,898
Current portion of long-term debt	124,546
Accounts payable - trade	28,986
Accrued expenses	291,959
Billings in excess of costs and estimated earnings on uncompleted contracts	1,312
Deferred income taxes, current	<u>1,501</u>

TOTAL CURRENT LIABILITIES

572,001

LONG-TERM DEBT, less current portion

120,990

DEFERRED INCOME TAX LIABILITY, non-current

19,495

TOTAL LIABILITIES

712,486

STOCKHOLDERS' EQUITY

Common stock, \$1 par value, 1,000,000 shares authorized,
1,000 issued and outstanding

\$ 1,000

Contributed capital

47,407

Retained earnings (deficit)

(11,768)

TOTAL STOCKHOLDERS' EQUITY

36,639

TOTAL LIABILITIES AND STOCKHOLDERS' EQUITY

\$ 749,125

SPARTAN CONSTRUCTION SERVICES, INC.

STATEMENT OF INCOME

YEAR ENDED DECEMBER 31, 2003

CONTRACT REVENUES		\$	2,559,210
COST OF REVENUES			<u>2,271,616</u>
GROSS PROFIT			287,594
GENERAL AND ADMINISTRATIVE EXPENSES			<u>274,130</u>
NET INCOME FROM OPERATIONS			13,464
OTHER INCOME (EXPENSE)			
Administrative fee	\$	233	
Interest income		450	
Non-job income		<u>8,381</u>	
TOTAL OTHER INCOME (EXPENSE)			<u>9,064</u>
NET INCOME BEFORE PROVISION FOR INCOME TAXES			22,528
PROVISION FOR INCOME TAXES			<u>-</u>
NET INCOME		\$	<u><u>22,528</u></u>

See accompanying notes and accountants' report.

SPARTAN CONSTRUCTION SERVICES, INC.

STATEMENT OF STOCKHOLDERS' EQUITY

YEAR ENDED DECEMBER 31, 2003

	<u>Common Stock</u>	<u>Retained Earnings (Deficit)</u>	<u>Contributed Capital</u>
Balance, January 1, 2003	\$ 1,000	\$ (34,296)	\$ 47,407
Net income, period ended December 31, 2003		22,528	
Balance, December 31, 2003	<u>\$ 1,000</u>	<u>\$ (11,768)</u>	<u>\$ 47,407</u>

See accompanying notes and accountants' report.

SPARTAN CONSTRUCTION SERVICES, INC.

STATEMENT OF CASH FLOWS

YEAR ENDED DECEMBER 31, 2003

CASH FLOWS FROM OPERATING ACTIVITIES

Net income	\$ 22,528
Adjustments to reconcile net loss to net cash provided by operating activities	
Depreciation and amortization	82,863
(Increase) decrease in:	
Accounts receivable - contracts and retainage	(11,569)
Costs and estimated earnings in excess of billings on uncompleted contracts	668
Cash, restricted	(50,589)
Prepaid expenses and deposits	630
Deferred tax asset	(5,613)
Increase (decrease) in:	
Bank overdraft	23,799
Accounts payable and retainage on jobs	(91,665)
Billings in excess of costs and estimated earnings on uncompleted contracts	(193,090)
Accrued expenses and income taxes payable	238,993
Deferred tax liability	5,613

NET CASH PROVIDED BY OPERATIONS

22,568

CASH FLOWS FROM INVESTING ACTIVITIES

Purchase of property and equipment	(1,082)
------------------------------------	---------

NET CASH USED BY INVESTING ACTIVITIES

(1,082)

CASH FLOWS FROM FINANCING ACTIVITIES

Repayment of long-term debt	(48,590)
-----------------------------	----------

NET CASH USED BY FINANCING ACTIVITIES

(48,590)

NET CASH DECREASE DURING THE PERIOD

(27,104)

CASH, January 1, 2003

27,104

CASH, December 31, 2003

No cash

\$ -

INTEREST PAID

Interest expense per general and administrative expenses

\$ 31,646

INCOME TAXES PAID

\$ -

See accompanying notes and accountants' report.

NOTES TO FINANCIAL STATEMENTS

DECEMBER 31, 2003

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Company Activities and Operating Cycle

The Company is engaged as a general contractor in the El Paso, Texas, area. Most contracts are entered into as a contractor on commercial and industrial projects and the work is usually performed under a fixed price contract; most contracts are under one year in length.

Management uses estimates and assumptions in preparing these financial statements in accordance with generally accepted accounting principles. Those estimates and assumptions affect the reported amounts of assets and liabilities, the disclosure of contingent assets and liabilities, and the reported revenues and expenses. Actual results could vary from the estimates that were used.

Revenue and Cost Recognition

Revenues from construction contracts are recognized on the percentage-of-completion method, measured by the percentage of cost incurred to date, excluding uninstalled materials, to estimated total cost for each contract.

The asset "Costs and estimated earnings in excess of billings on uncompleted contracts" represents revenues recognized in excess of amounts billed. The liability "Billings in excess of costs and estimated earnings on uncompleted contracts" represents billings in excess of revenues recognized. Provision for estimated loss on uncompleted contracts is made in the period in which such loss is determined.

Cash and Cash Equivalents

For purposes of the statement of cash flows, the Company considers all instruments with an original maturity of three months or less to be cash equivalents.

Inventories

Inventories are stated at the lower of cost or market. Cost is determined by the first-in, first-out method, and market represents the lower of replacement cost or estimated net realizable value.

Property and Equipment

Property and equipment is stated at cost. Depreciation has been computed on the straight line method. When assets are retired or otherwise disposed of, the cost and related accumulated depreciation are recovered from the accounts and any resulting gain or loss is reflected in income for the period.

Fair Value of Financial instruments

The Company's financial instruments include cash and cash equivalents, accounts receivable, and notes payable. The carrying amount of these financial instruments have been estimated by management to approximate fair value.

SPARTAN CONSTRUCTION SERVICES, INC.

NOTES TO FINANCIAL STATEMENTS
(CONTINUED)
DECEMBER 31, 2003

NOTE 2 - CONTRACT RECEIVABLES

Contract receivables at December 31, 2003, consisted of the following:

Completed contracts	\$	339,338
Contracts in progress <i>OK</i>		-
	\$	<u>339,338</u>

The Company believes that its accounts receivable are fully collectible and as such has not recorded an allowance for bad debts. In the event that any receivables become uncollectible, they will be charged against income in the period in which that determination is made.

NOTE 3 - RETAINAGE

Retainage receivables at December 31, 2003, consisted of the following:

Completed contracts	\$	23,982
Contracts in progress		<u>3,774</u>
	\$	<u>27,756</u>

Contract retentions are amounts withheld from the Company until the related contract has been completed. All retentions are expected to be collected within one year of the first billing date of the contract.

NOTE 4 - COST AND ESTIMATED EARNINGS ON UNCOMPLETED CONTRACTS

Costs incurred on uncompleted contracts	\$	22,630
Estimated earnings		<u>13,802</u>
		36,432
Less billings to date		<u>37,744</u>
	\$	<u>(1,312)</u>

Included in the accompanying balance sheet under the following captions:

Costs and estimated earnings in excess of billings on uncompleted contracts	\$	-
Billings in excess of costs and estimated earnings on uncompleted contracts		<u>1,312</u>
	\$	<u>(1,312)</u>

overbill?

SPARTAN CONSTRUCTION SERVICES, INC.

NOTES TO FINANCIAL STATEMENTS
(CONTINUED)
DECEMBER 31, 2003

NOTE 5 - PROPERTY AND EQUIPMENT

Property and equipment at December 31, 2003, consisted of the following:

	<u>COST</u>	<u>ACCUMULATED DEPRECIATION</u>	<u>BOOK VALUE</u>
Vehicles	\$ 14,630	\$ 6,714	\$ 7,916
Furniture and fixtures	13,561	5,981	7,580
Equipment	386,936	144,905	242,031
Equipment - other	30,000	-	30,000
	<u>\$ 445,127</u>	<u>\$ 157</u>	<u>287,527</u>

Depreciation expense for the year ended December 31, 2003 was \$82,863.

NOTE 6 - NOTES PAYABLE

Notes payable as of December 31, 2003 consisted of the following:

Revolving line of credit to State National Bank, interest rate of 4.75%, dated July 15, 2002, due April 15, 2003, interest payments only due monthly, collateralized by certificate of deposit

Note payable to Southwest Mining, dated December 31, 2002, non-interest bearing, due on demand

Note payable to Kasco Ventures, Inc., dated December 31, 2003, non-interest bearing, due on demand

Note payable to Southwest Construction, dated December 31, 2003, non-interest bearing, due on demand

		<u>Non-Current</u>
	\$ 42,882	\$ -
	6,776	-
	17,000	-
	<u>33,240</u>	<u>-</u>
	<u>\$ 99,898</u>	<u>\$ -</u>

Maturities of notes payable are as follows:

Year Ended
December 31,
2004

*all matured
on 12/31/04
when reported in
04?*

\$ 99,898
<u>\$ 99,898</u>

NOTES TO FINANCIAL STATEMENTS
(CONTINUED)
DECEMBER 31, 2003

NOTE 7 - LONG-TERM DEBT

At December 31, 2003, long-term debt consisted of the following:

	<u>CURRENT</u>	<u>LONG-TERM</u>	<u>TOTAL</u>
3% note payable to Caterpillar Finance dated December 27, 2001, due in monthly installments of \$1,350, including interest, collateralized by equipment	\$ 20,220	\$ -	\$ 20,220
13.29% note payable to Caterpillar Finance dated December 31, 2001, due in monthly installment of \$2,797, including interest, collateralized by equipment	29,525	58,657	88,182
19.19% note payable to Ribble Contracting, Inc. dated July 25, 2002, due in monthly installments of \$1,013 including interest, collateralized by equipment	17,943	-	17,943
7.31% note payable to Caterpillar Finance dated April 30, 2002, due in monthly installments of \$1,200, including interest, collateralized by equipment	15,009	24,641	39,650
7.31% note payable to Caterpillar Finance dated April 30, 2002, due in monthly installments of \$1,186, including interest, collateralized by equipment	14,832	24,351	39,183
6.20% note payable to Caterpillar Finance dated July 15, 2002, due in monthly installments of \$1,945, including interest, collateralized by equipment	27,017	13,341	40,358
	<u>\$ 124,546</u>	<u>\$ 120,990</u>	<u>\$ 245,536</u>

Maturities of long-term debt are as follows:

Year Ending December 31,	
2004	\$ 124,546
2005	66,646
2006	54,344
	<u>\$ 245,536</u>

?? what was this paid?

NOTE 8 - LEASE OBLIGATIONS

The Company leases its premises on a month-to-month basis.

NOTES TO FINANCIAL STATEMENTS
(CONTINUED)
DECEMBER 31, 2003

NOTE 9 - INCOME TAXES

Income tax provision for the year consists of the following:

Current income tax provision	\$ -
Long-term income tax provision	-
	<u>\$ -</u>

Deferred income tax benefits may result from reinstatement of the valuation allowance of tax benefits related to prior year net operating loss. Because the loss was incurred in the initial year of operation, the income tax benefit that would have been recorded was reduced by a valuation allowance equal to the benefit.

Deferred income taxes result from timing differences in the recognition of income and expenses for income tax and financial statement purposes. The primary source of these differences is the reporting of depreciation for income tax purposes using an accelerated cost recovery system, and the use of the completed contract method for reporting income tax net income, while reporting financial statement income using the percentage-of-completion method.

Deferrals are established in the period in which a timing difference is first identified, and is multiplied by the estimated tax rate which will exist when the difference reverses. In future periods, when the estimated tax rate changes, the deferred asset or liability can be affected.

The Company has available at December 31, 2003, unused operating loss carryforwards and charitable contributions that may be applied against future taxable income that expires as follows:

<u>Expires</u>	<u>Charitable Contributions</u>	<u>Net Operating Loss</u>
2007	\$ 75	\$ -
2021	-	56,854
2022	-	172,535
	<u>\$ 75</u>	<u>\$ 229,389</u>

The deferred tax asset comprised the following:

Deferred tax asset

Net operating loss carryforward	\$ 34,408
Deferred tax liabilities - Long-term	(19,495)
Valuation allowance	(9,300)
	<u>\$ 5,613</u>

*Tax Liabilities
Are Terminated
Current*

NOTES TO FINANCIAL STATEMENTS
(CONTINUED)
DECEMBER 31, 2003

NOTE 10 - COMPREHENSIVE INCOME

Statement of Financial Accounting Standards No. 130, Reporting Comprehensive Income (SFAS 130), requires that total comprehensive income be reported in the financial statements. For the period, the Company's operations did not give rise to items includable in comprehensive income which were not already included in net income. Therefore, the Company's comprehensive income is the same as its net income for the period presented.

NOTE 11 - CONCENTRATION OF CREDIT RISK

The Company maintains multiple bank accounts at one financial institution which, from time to time, carry balances in excess of federally insured limits.

The Company has one major customer. Amounts recorded in accounts receivable for this customer represent 65% of total receivables.

*Ranchos del
Sol #15*

NOTE 12 - COMMITMENTS AND CONTINGENCIES

The Company is involved in various legal actions arising in the normal course of business. In the opinion of management, such matters will not have a material effect upon the financial position of the Company.

?

NOTE 13 - ADVERTISING COSTS

The Company did not incur costs during the

*Free Lease /
Advice / Counsel ?*

advertising.

NOTE 14 - RESTRICTED CASH

Restricted cash balances represent a certificate of deposit at financial institution that is collateral for a loan as described in note 6.

SUPPLEMENTARY INFORMATION

SPARTAN CONSTRUCTION SERVICES, INC.

SCHEDULE 1 - CONTRACT REVENUES

YEAR ENDED DECEMBER 31, 2003

	REVENUES EARNED	COST OF REVENUES	GROSS PROFIT
Contracts completed	\$ 2,455,224	\$ 1,928,386	\$ 526,838
Contracts in progress	36,432	22,630	13,802
Small jobs - net	67,554	-	67,554
Indirect cost	-	320,600	(320,600)
	<u>\$ 2,559,210</u>	<u>\$ 2,271,616</u>	<u>\$ 287,594</u>

11.2% of
revenue
net of IDC

See accountants' report.

SPARTAN CONSTRUCTION SERVICES, INC.

SCHEDULE 2 - COMPLETED CONTRACTS

YEAR ENDED DECEMBER 31, 2003

CONTRACT		CONTRACT TOTALS			
JOB	NAME	REVENUES EARNED	COST OF REVENUES	GROSS PROFIT (LOSS)	REVENUE EARNED
Agua Dulce #5		\$ 5,980	\$ 9,188	\$ (3,208)	\$
Agua Dulce #5 - SCS		152,160	89,919	62,241	
Agua Dulce #4A		242,400	188,292	54,108	240,
Bank of America - Zaragoza		67,297	34,661	32,636	
Bank of America - North Mesa		67,744	30,449	37,295	
Colorado Concrete Work		9,547	4,500	5,047	
Coronado Cove on Bandolero Drive		236,850	99,844	137,006	
F.A.A. Weather Bureau Site/LT Parking		352,559	311,192	41,367	373,8
Frutas Ave Street & Drainage		102,534	78,620	23,914	43,2
Highland Park Annex Parking Lot		21,392	7,183	14,209	
Jaxon's Restaurant Deceleration		20,865	3,547	17,318	
Nichols Road Street & Drainage		355,949	299,505	56,444	
Onix Office Site		34,736	23,461	11,275	
Sunset Drive Demolition		7,500	4,956	2,544	
Ranchos Del Sol H.S.		1,461,455	1,320,185	141,270	116,3
Taco Cabana Restaurant #272		21,695	19,816	1,879	
Union Pacific Alfalfa Yard Asphalt		65,713	27,125	38,588	
		<u>\$ 3,229,376</u>	<u>\$ 2,552,443</u>	<u>\$ 676,933</u>	<u>\$ 774,1</u>

Primarily
Commercial
Need references
from City
work

See accountants' report.

RIOR TO JANUARY 1, 2003

DECEMBER 31, 2003

<u>COST OF REVENUES</u>	<u>GROSS PROFIT</u>	<u>REVENUES EARNED</u>	<u>COST OF REVENUES</u>	<u>GROSS PROFIT (LOSS)</u>
\$ -	\$ -	\$ 5,980	\$ 9,188	\$ (3,208)
-	-	152,160	89,919	62,241
186,947	53,721	1,732	1,345	387
-	-	67,297	34,661	32,636
-	-	67,744	30,449	37,295
-	-	9,547	4,500	5,047
-	-	236,850	99,844	137,006
301,869	71,954	(21,264)	9,323	(30,587)
32,470	10,828	59,236	46,150	13,086
-	-	21,392	7,183	14,209
-	-	20,865	3,547	17,318
-	-	355,949	299,505	56,444
-	-	34,736	23,461	11,275
-	-	7,500	4,956	2,544
102,771	13,592	1,345,092	1,217,414	127,678
-	-	24,695	19,816	4,879
-	-	65,713	27,125	38,588
<u>\$ 624,057</u>	<u>\$ 150,095</u>	<u>\$ 2,455,224</u>	<u>\$ 1,928,386</u>	<u>\$ 526,838</u>

SPARTAN CONSTRUCTION SERVICES, INC.

SCHEDULE 3 - CONTRACTS IN PROGRESS

YEAR ENDED DECEMBER 31, 2003

JOB	NAME	TOTAL CONTRACT		FROM INCEPTION TO DECEMBER 31, 2003			
		REVENUES	ESTIMATED GROSS PROFIT (LOSS)	REVENUES EARNED	TOTAL COSTS INCURRED	COST OF REVENUES	GROSS PROFIT (LOSS)
Hoy Fox Automobile Shops		\$ 123,257	\$ 46,696	\$ 36,432	\$ 22,630	\$ 22,630	\$ 13,806
		<u>\$ 123,257</u>	<u>\$ 46,696</u>	<u>\$ 36,432</u>	<u>\$ 22,630</u>	<u>\$ 22,630</u>	<u>\$ 13,806</u>

See accountants' report.

31, 2003		AT DECEMBER 31, 2003		DECEMBER 31, 2003		
BILLED TO DATE	ESTIMATED COST TO COMPLETE	COSTS AND ESTIMATED EARNINGS IN EXCESS OF BILLINGS	BILLINGS IN EXCESS OF COSTS AND ESTIMATED EARNINGS	REVENUES EARNED	COST OF REVENUES	GROSS PROFIT (LOSS)
\$ 37,744	\$ 53,931	\$ -	\$ 1,312	\$ 36,432	\$ 22,630	\$ 13,802
<u>\$ 37,744</u>	<u>\$ 53,931</u>	<u>\$ -</u>	<u>\$ 1,312</u>	<u>\$ 36,432</u>	<u>\$ 22,630</u>	<u>\$ 13,802</u>

SCHEDULE 4 - GENERAL AND ADMINISTRATIVE EXPENSES

YEAR ENDED DECEMBER 31, 2003

Auto expense	\$ 1,789
Bank charges	1,139
Computer expense	5,277
Depreciation	2,550
Dues and subscriptions	2,752
Insurance	11,171
Interest	31,646
Miscellaneous	1,139
Office expense	9,005
Penalties <i>~?</i>	550
Postage	664
Professional fees	1,200
Rent	13,418
Repairs and maintenance	8,998
Salaries	147,365
Seminars	195
Taxes - other	430
Taxes - payroll	15,233
Telephone	14,770
Utilities	4,839
TOTAL	<u>\$ 274,130</u>

See accountants' report.



Spartan Construction Services, Inc.

P.O. Box 12627 • El Paso, Texas 79913 • (915) 585-0085 • (915) 585-9793 Fax

August 5, 2005

City of El Paso
Contract Compliance
Attn: Michael Plum
2 Civic Center Plaza
El Paso TX, 79901

Fax: 541-4016

**RE: Indian Place Improvements Solicitation No. 2005-207
Ladrillo Street & Drainage Improvements Solicitation No. 2005-205
Bowen Street & Drainage Improvements Solicitation No. 2005-234**

Dear Mr. Plum:

This is a follow up to your letter dated 07/29/05 regarding the additional Financial Statements and related information for the above-mentioned projects. Please see below for the answers to your questions 1 through 4 as requested.

- 1) Spartan's Financial Statements for 2004 should be available from Jones & Company (CPA) within the next 3-5 days. This information will be forwarded to you as soon as it becomes available. (See attached letter from Jones & Company.)
- 2) Mr. George Avara, Vice President of Business Banking at the State National Bank has agreed to provide SCS with adequate Financing support to completely satisfy the needs of the four recently bid projects including Sunland Park Road Improvements, Bowen Street & Drainage Improvements, Indian Place Street & Drainage Improvements, and Ladrillo Street & Drainage Improvements and all future work. In addition, SCS has secured a \$150,000-200,000 to assist in interim financing.
- 3) References:

Roe Engineering	Hector Porras	533-1418
Quantum Engineering	Bobby Gonzalez	532-7272
Gilbane	David Kessinger	727-6454

See attached pages listing similar projects and values. The subcontractors requiring coordination will be Green Concrete Construction and Pacific Electric. In addition, we are submitting available equipment and Superintendents for use on these projects.

- 4) See attached pages I-F-1 through 9 and I-F-a2 on the Prime and Subcontractors as requested.
- 5) SCS is submitting this same information for the three (3) above-mentioned projects.

If you should have any further questions regarding the above, please advise.

Sincerely,

Paul H. Flynn
President



CERTIFIED PUBLIC
ACCOUNTANTS

August 5, 2005

To Whom It May Concern:

We are in the process of preparing the financial statements and tax return for Spartan Construction Services, Inc., for calendar year 2004. The client provided information on August 2, 2005 and we anticipate a quick turnaround.

If you have any questions, please do not hesitate to contact us.

Very truly yours,

JONES & COMPANY
Certified Public Accountant

A handwritten signature in cursive script, appearing to read "Steele Jones".

Steele Jones, CPA, CVA

TERRACE GARDENS OFFICE PARK
600 SUNLAND PARK DRIVE
BUILDING THREE, SUITE 400
EL PASO, TEXAS 79912

(915) 585-1739
FAX (915) 587-6199
www.jonesandco.net

Spartan Construction Services, Inc.

P.O. Box 12627 • El Paso, Texas 79913 • (915) 585-0085 • (915) 585-9793 Fax

August 5, 2005

Additional Information on Spartan Construction Services, Inc., as discussed with Michael Plum today:

Equipment Available

3 Loaders
3 Motorgraders
4 Backhoes
5 Rollers
5 Water Trucks
1 Asphalt Paver
2 Excavators

Superintendents Available for These and Future Projects

Jaime Aguilar
Max Corwin
Pedro Hernandez
Jesus Cancino
Fernando Rico
Ernie Uzzell
Manuel Quezada

SPARTAN CONSTRUCTION SERVICES, INC.**279 Shadow Mountain Ste. #212****EL PASO, TEXAS 79912****(915) 585-0085 Office (915) 585-9793 Fax**

Page 1 of 2

PROJECTS COMPLETED**PROJECT: Hoy Fox Automotive Shop Parking Lot****OWNER: Hoy Fox****CONTRACTOR: Corwin Construction****ARCHITECT: Mora Architect****CONTRACT AMOUNT: \$126,000.00****% COMPLETED TO DATE: 100%****DATE OF COMPLETION: December 2004****POINT OF CONTACT: Max Corwin 915-526-7500****PROJECT: El Dorado High School****OWNER: Socorro Independent School District****CONTRACTOR: Gilbane ECM International****ARCHITECT: PSRBB Architects****CONTRACT AMOUNT: \$1.3 Million****% COMPLETED TO DATE: 100%****DATE OF COMPLETION: September, 2003****POINT OF CONTACT: David Kessinger 915-727-6454****PROJECT: Loma Verde Elementary School - A New Parking Lot Addition****OWNER: Socorro Independent School District****CONTRACTOR: Arrow Building Corporation****ARCHITECT: ARTchitecture****CONTRACT AMOUNT: \$122,000.00****% COMPLETED TO DATE: 100%****DATE OF COMPLETION: December 2004****POINT OF CONTACT: David Diaz 915-778-1147****PROJECT: Agua Dulce Subdivision & Apartments****OWNER: Kasco Ventures****CONTRACTOR: Kasco Ventures****ARCHITECT: Kasco Ventures****CONTRACT AMOUNT: \$425,000.00****% COMPLETED TO DATE: 100%****DATE OF COMPLETION: June 2003****POINT OF CONTACT: Fred Kastrin 915-491-1385****PROJECT: Borderland Phase 2****OWNER: City of El Paso****CONTRACTOR: Southwest Growth Corporation****ARCHITECT: Quantum Engineering****CONTRACT AMOUNT: \$400,000****% COMPLETED TO DATE: 100%****DATE OF COMPLETION: September 2004****POINT OF CONTACT: Bobby Gonzalez 532-7272**

SPARTAN CONSTRUCTION SERVICES, INC.
279 Shadow Mountain Ste. #212
EL PASO, TEXAS 79912
(915) 585-0085 Office (915) 585-9793 Fax

Page 2 of 2

PROJECTS COMPLETED

PROJECT: Nichols Street & Drainage Improvements
OWNER: City of El Paso
CONTRACTOR: Southwest Growth Corporation
ARCHITECT: Huitt-Zollars
CONTRACT AMOUNT: \$456,000
% COMPLETED TO DATE: 100%
DATE OF COMPLETION: September 2003
POINT OF CONTACT: Robert Concha 587-4339

PROJECT: Frutas Ave. Street Improvements
OWNER: City of El Paso
CONTRACTOR: Southwest Growth Corporation
ARCHITECT: Huitt-Zollars
CONTRACT AMOUNT: \$1,020,000.00
% COMPLETED TO DATE: 100%
DATE OF COMPLETION: May, 2003
POINT OF CONTACT: Robert Concha 587-4339

**CERTIFICATION OF PRIMARY PARTICIPANT
REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY
MATTERS**

TO BE SUBMITTED BY THE PRIME CONTRACTOR

**Ladrillo Street – Street & Drainage Improvements
SOLICITATION NO. 2005-205**

The Bidder hereby certifies to the best of its knowledge and belief, that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
2. Have not within a three-year period preceding this proposal been convicted of/or had a civil judgment rendered against them for commission of a fraud or a criminal offense in the connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2) of this certification; and
4. Have not within a three-year period preceding this application/proposal had one or more transactions (Federal, State or local) terminated for cause or default.

If the Bidder is unable to certify to any of the statements in this certification, the participant shall attach an explanation to this certification.

THE BIDDER HEREBY CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF THE CONTENTS OF THE STATEMENTS SUBMITTED ON OR WITH THIS CERTIFICATION AND UNDERSTANDS THAT THE PROVISIONS OF 31 U.S.C. SECTIONS 3801 ET SEQ. ARE APPLICABLE THERETO.


Signature/Authorized Certifying Official

Spartan Construction Services, Inc.
Contractor/Subcontractor

Paul H. Flynn - President
Typed Name & Title

8/1/05
Date Signed

SELF-CERTIFICATION FORM
SMALL CONSTRUCTION COMPANIES
(General Contractor)

Ladrillo Street – Street & Drainage Improvements
SOLICITATION NO. 2005-205

Name of Business:

Spartan Construction Services, Inc.

Contact Person:

Paul H. Flynn

Address (Street, City, State, and Zip Code):

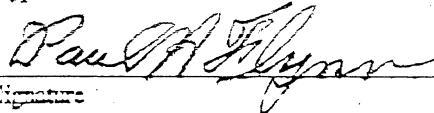
279 Shadow Mountain #212 El Paso, Texas 79912

This business is independently owned and operated. Its average annual receipts for the past three (3) fiscal years do not exceed \$12 million.

I certify that the above is true.

Paul H. Flynn - President

Typed Name & Title



Signature

8/1/05

Date

Aug-04-05

01:00pm

From: FedEx Kinko's N. Mesa

9155321655

T-008 P 002/010 F-837

FEDERAL LABOR PRACTICES CERTIFICATION
TO BE SUBMITTED BY PRIME CONTRACTOR AND ALL SUBCONTRACTORS

PROJECT: Ladrillo Street - Street & Drainage ImprovementsSOLICITATION NO: 2005-205

EQUAL EMPLOYMENT OPPORTUNITY AUTHORITY

In accordance with Executive Order 11246 (30 F.R. 12319-25), the implementing rules and regulations thereof, and orders of the Secretary of Labor, a Certification regarding Equal Opportunity is required of bidders or prospective contractors and their proposed subcontractors prior to the award of contracts or subcontracts.

This form consolidates all the labor practices the City, by Federal law, must insist its contractors follow. Your signature on this form is a pledge and assurance you have complied with, or will comply with, all terms of these regulations and is a **NON-WAIVEABLE PRECONDITION OF AWARD.**

CONTRACTOR'S CERTIFICATION

- Contractor has participated in a previous contract or sub-contract subject to the Equal Opportunity Clause. ✓ Yes No
- Compliance reports were required to be filed in connection with such previous contract or subcontract. ✓ Yes No
- Contractor has filed all compliance reports required by Executive Order 11246 or by regulations of the Office of Federal Contract Compliance Programs issued pursuant to Title VII of the Civil Rights Act of 1964. ✓ Yes No

If answer to item 3 is "No" please explain in detail on reverse side of this certification.

4. Dollar amount of proposed contract is \$4790.00 Metal Electric Poles (2) \$2030.00 Electric Pole Foundations (2)

Anticipated performance period is One Hundred Twenty (120) consecutive calendar days.

Expected total number of employees who will perform the proposed construction is

Race or ethnic group designation of bidder:

<u> </u> Black	<u>✓</u> Hispanic	<u> </u> Oriental	<u> </u> American Indian
<u> </u> Eskimo	<u> </u> Aleut	<u> </u> White	<u> </u> Pacific Islanders
<u> </u> Other: <u> </u>			

Pacific Electric

Company Name

8/1/05

Date

Signature

Title

Aug-04-05

01:00pm

From: FedEx Kinko's N. Mesa

9155321655

T-908

P. 003/010

F-637

NONSEGREGATED FACILITIES

1. Notice to Prospective Federally-Assisted Construction Contractors

- a. A Certification of Nonsegregated Facilities, as required by the May 9, 1967 order (32 F.R. 7439, May 19, 1967) on Elimination of Segregated Facilities, by the Secretary of Labor, must be submitted to the recipient prior to the award of a federally-assisted construction contract exceeding \$10,000 which is not exempt from the provisions of the Equal Opportunity clause.
- b. Contractors receiving federally-assisted construction contracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity Clause will be required to provide for the forwarding of the following notice to prospective subcontractors for supplies and construction contracts where the subcontracts exceed \$10,000 and are not exempt from the provisions of the Equal Opportunity clause.

2. Notice to Prospective Subcontractors of Requirement for Certification of Nonsegregated facilities

- a. A Certification of Nonsegregated Facilities, as required by the May 9, 1967 order (32 F.R. 7439, May 19, 1967) on Elimination of Segregated Facilities, by the Secretary of Labor, must be submitted to the contractor prior to the award of a contract exceeding \$10,000 which is not exempt from the provisions of the Equal Opportunity clause.
- b. Contractors receiving subcontract awards exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause will be required to provide for the forwarding of this notice to prospective subcontractors for supplies and construction contracts where the subcontracts exceed \$10,000 and are not exempt from the provisions of the Equal Opportunity clause.

3. Definition

As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, or national origin, because of habit, local custom, or otherwise.

Aug-04-05

01:01pm

From: FedEx Kinko's N Mesa

8165321655

T-908 P.004/010 F-537

CERTIFICATION OF NONSEGREGATED FACILITIES**PROJECT:** Ladrillo Street - Street & Drainage Improvements**SOLICITATION NO:** 2005-205

The federally-assisted construction contractor certifies that:

1. He/she does not maintain or provide for his/her employees any segregated facilities at any of his/her establishments, and
2. He/she does not permit his/her employees to perform their services at any location, under his/her control, where segregated facilities are maintained.

The federally-assisted construction contractor certifies further that he/she will not:

1. Maintain or provide for his/her employees any segregated facilities at any of his/her establishments, and that
2. He/she will not permit his/her employees to perform their services at any location, under his/her control, where segregated facilities are maintained.

The federally-assisted construction contractor agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract.

The federally-assisted construction contractor agrees that (except where he/she has obtained identical certifications from proposed subcontractors for specific time periods) he/she will obtain identical certifications in duplicate from proposed subcontractors prior to the award of Subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause, and that he/she will retain the duplicate of such certification in his/her files. The contractor will include the original in his/her Bid Package.

Pacific Electric

Company Name

8/1/05

Date

Signature

Title

~~President~~

Secretary

Aug-04-05

01:01pm

From: FedEx Kinko's N. Mesa

0155321655

T-908 P.005/010 F-837

**LABOR STANDARDS AND PREVAILING WAGE REQUIREMENTS
CERTIFICATION**

PROJECT: Ladrillo Street - Street & Drainage Improvements
SOLICITATION NO: 2005-205

1. The undersigned, having pledged to a contract with the City of El Paso for the construction of the above identified projects, acknowledges that:
 - a. The Labor Standards provisions are included in the aforesaid contract;
 - b. Correction of any infractions of the aforesaid conditions, including infractions by any of my subcontractors and any lower tier subcontractors, is my responsibility.
2. I certify that:
 - a. Neither I nor any firm, partnership or association in which I have substantial interest is designated as an ineligible contractor, by the Comptroller General of the United States pursuant to Section 5.6(h) of the Regulations of the Secretary of Labor, Part 5 (29 CFR, Part 5) or pursuant to Section 3 (a) of the Davis-Bacon Act, as amended [40 U.S.C. 276a-2(a)].
 - b. No part of the aforementioned contract has been or will be subcontracted to any subcontractor if any firm, corporation, partnership or association in which such subcontractor has substantial interest is designated as an ineligible contractor pursuant to any of the aforementioned regulatory or statutory provisions.
3. I agree to obtain and forward to the aforementioned recipient, the City of El Paso, within ten (10) consecutive calendar days after the execution of any subcontract, including those executed by my subcontractors and any lower tier subcontractors, a Subcontractor's Certification Concerning Labor Standards and Prevailing Wage Requirements executed by the subcontractors.
4. I certify that:
 - a. The legal name and the business address of the undersigned are:
Pacific Electric
219-A South El Paso Street, El Paso, Texas 79901
 - b. The undersigned is a:

<input type="checkbox"/> A Single Proprietorship	<input checked="" type="checkbox"/> A Corporation	<input type="checkbox"/> A Limited Partnership
<input type="checkbox"/> A Joint Venture	<input type="checkbox"/> Other: _____	

Organized in the County of EL PASO, State of TX
(Name of State)

Aug-04-05

01:01pm

From-FedEx Kinko's N. Mesa

9155321655

T-808 P 006/010 F-637

**LABOR STANDARDS AND PREVAILING WAGE REQUIREMENTS
CERTIFICATION, cont.**

PROJECT: Ladrillo Street - Street & Drainage Improvements**SOLICITATION NO:** 2005-205

- c. The name, title and address of the owner, partner, or officers of the undersigned are:

NAMETITLEADDRESSJulio HunezPresident219-A El Paso, Texas 79901

- d. The names and address of all other persons, both natural and corporate, having a substantial interest in the undersigned, and the nature of the interest are:

N/A

- e. The names, addresses and trade classifications of all other building construction contractors in which the undersigned has a substantial interest are:

NAMEADDRESSTRADE CLASSIFICATIONN/APacific ElectricCompany Name8/1/05Date8/24/05SignaturePresident / SecretaryTitle

Aug-04-05

01:02pm

From: FedEx Kinko's N. Mesa

9155321655

T-008 P.007/010 F-637

**CERTIFICATION OF LOWER-TIER PARTICIPANTS
REGARDING DEBARMENT, SUSPENSION,
AND OTHER INELIGIBILITY AND VOLUNTARY EXCLUSION**

TO BE SUBMITTED BY ALL SUBCONTRACTORS

**Ladrillo Street - Street & Drainage Improvements
SOLICITATION NO. 2005-205**

Julio Nunez/Pacific Electric certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

Julio Nunez/Pacific Electric CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF THE CONTENTS OF THE STATEMENTS SUBMITTED ON OR WITH THIS CERTIFICATION AND UNDERSTANDS THAT THE PROVISIONS OF 31 U.S.C. SECTIONS 3801 ET SEQ. ARE APPLICABLE THERETO.

If the Lower Tier Participant is unable to certify to any of the statements in this certification, such participant shall attach an explanation to this proposal.

Lara Nunez - Lopez
for Julio Nunez
Signature/Authorized Certifying Official

8/1/05

Date Signed

Julio Nunez - President
Typed Name & Title

Aug-04-05

01:02pm

From-FedEx Kinko's N. Mesa

0165321655

T-908

P.008/010

F-637

SELF-CERTIFICATION FORM

Socially or Economically Disadvantaged

**Ladrillo Street - Street & Drainage Improvements
SOLICITATION NO. 2005-205**

I am a member of the following Minority Group* (Circle One):

Black

Hispanic

American Indian

Oriental

Other: _____

(Specify)

I own controlling interest, at least fifty-one percent (51%), of the following business:

Pacific Electric

(Name of Firm)

I certify that the above is true.

Julio Nunez - President

Typed Name & Title

Signature

8-1-05

Date

8/04/05

*Defined In Equal Employment Opportunity Requirements

Aug-04-05

01:02pm

From: FedEx Kinko's N. Mesa

9155321656

T-908 P 009/010 F-637

CERTIFICATION REGARDING LOBBYING**Certification for Grants, Loans, and Cooperative Agreements****Ladrillo Street - Street & Drainage Improvements
SOLICITATION NO. 2005-205**

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an Officer or employee of Congress, or an employee of a Member of Congress in connection with the Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form LLL "Disclosure Form to Report Lobbying" in accordance with its instructions.
3. The undersigned shall require that the language in this certification be included in the award documents for all subawards exceeding \$100,000 at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any persons who fail to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.


Signature/Authorized Certifying OfficialJulio Nunez - President/Secretary
Typed Name & TitlePacific Electric
Contractor/Subcontractor8/1/05
Date Signed8/04/05

Aug-04-05

01:02pm

From-FedEx Kinko's N. Mesa

0155321655

T-908 P.010/010 F-637

**EQUAL EMPLOYMENT OPPORTUNITY AGREEMENT FOR
PROJECT AREA BUSINESSES AND RESIDENTS**

**Ladrillo Street - Street & Drainage Improvements
SOLICITATION NO. 2005-205**

[I PLEDGE AND AFFIRM THAT I HAVE OR WILL CARRY OUT THE FOLLOWING]:

1. Read all terms, conditions and requirements of the Equal Employment Opportunity Agreement set forth in Section IV-A.
2. Filled in completely all required information on the Section 3 Area Business Needs Form and Self Certification Forms, if applicable.
3. Provided for compliance with all conditions listed in this Agreement in a timely manner, including submission to the City of El Paso of an Equal Employment Opportunity Plan for the use of small businesses in the project area.
4. Contractor will not subcontract any work in connection with this project unless he/she first submits EEO Plan as described in Paragraph 3 above.

I HEREBY CERTIFY THAT ALL INFORMATION ABOVE IS TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND FURTHER BIND MYSELF TO CARRY OUT ALL COMPLIANCE REQUIREMENTS SET FORTH IN THIS CONTRACT.

Pacific Electric

Company Name

8/1/05

Date

Signature

President

Title

WARNING

U.S. Criminal Code, Section 1010, Title 18, U.S.C., provides in part:

"WHOEVER,....MAKES, PASSES, UTTERS OR PUBLISHES ANY STATEMENT, KNOWING THE SAME TO BE FALSE....SHALL BE FINED NOT MORE THAN \$5,000 OR IMPRISONED NOT MORE THAN TWO YEARS, OR BOTH."

FEDERAL LABOR PRACTICES CERTIFICATION
TO BE SUBMITTED BY PRIME CONTRACTOR AND ALL SUBCONTRACTORS

PROJECT: Ladrillo Street - Street & Drainage Improvements

SOLICITATION NO: 2005-205

EQUAL EMPLOYMENT OPPORTUNITY AUTHORITY

In accordance with Executive Order 11246 (30 F.R. 12319-25), the implementing rules and regulations thereof, and orders of the Secretary of Labor, a Certification regarding Equal Opportunity is required of bidders or prospective contractors and their proposed subcontractors prior to the award of contracts or subcontracts.

This form consolidates all the labor practices the City, by Federal law, must insist its contractors follow. Your signature on this form is a pledge and assurance you have complied with, or will comply with, all terms of these regulations and is a **NON-WAIVEABLE PRECONDITION OF AWARD.**

CONTRACTOR'S CERTIFICATION

1. Contractor has participated in a previous contract or sub-contract subject to the Equal Opportunity Clause. _____ Yes _____ No
 2. Compliance reports were required to be filed in connection with such previous contract or subcontract. _____ Yes _____ No
 3. Contractor has filed all compliance reports required by Executive Order 11246 or by regulations of the Office of Federal Contract Compliance Programs issued pursuant to Title VII of the Civil Rights Act of 1964. _____ Yes _____ No
- If answer to item 3 is "No" please explain in detail on reverse side of this certification.

4. Dollar amount of proposed contract is \$ 15,000.00.
Anticipated performance period is One Hundred Twenty (120) consecutive calendar days.
Expected total number of employees who will perform the proposed construction is _____.
Race or ethnic group designation of bidder:

<input type="checkbox"/> Black	<input checked="" type="checkbox"/> Hispanic	<input type="checkbox"/> Oriental	<input type="checkbox"/> American Indian
<input type="checkbox"/> Eskimo	<input type="checkbox"/> Aleut	<input type="checkbox"/> White	<input type="checkbox"/> Pacific Islanders
<input type="checkbox"/> Other: _____			

Green Concrete Construction

Company Name

8/1/05

Date

Owner

Title

Signature

NONSEGREGATED FACILITIES

1. Notice to Prospective Federally-Assisted Construction Contractors

- a. A Certification of Nonsegregated Facilities, as required by the May 9, 1967 order (32 F.R. 7439, May 19, 1967) on Elimination of Segregated Facilities, by the Secretary of Labor, must be submitted to the recipient prior to the award of a federally-assisted construction contract exceeding \$10,000 which is not exempt from the provisions of the Equal Opportunity clause.
- b. Contractors receiving federally-assisted construction contracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity Clause will be required to provide for the forwarding of the following notice to prospective subcontractors for supplies and construction contracts where the subcontracts exceed \$10,000 and are not exempt from the provisions of the Equal Opportunity clause.

2. Notice to Prospective Subcontractors of Requirement for Certification of Nonsegregated facilities

- a. A Certification of Nonsegregated Facilities, as required by the May 9, 1967 order (32 F.R. 7439, May 19, 1967) on Elimination of Segregated Facilities, by the Secretary of Labor, must be submitted to the contractor prior to the award of a contract exceeding \$10,000 which is not exempt from the provisions of the Equal Opportunity clause.
- b. Contractors receiving subcontract awards exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause will be required to provide for the forwarding of this notice to prospective subcontractors for supplies and construction contracts where the subcontracts exceed \$10,000 and are not exempt from the provisions of the Equal Opportunity clause.

3. Definition

As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, or national origin, because of habit, local custom, or otherwise.

CERTIFICATION OF NONSEGREGATED FACILITIES

PROJECT: Ladrillo Street - Street & Drainage Improvements

SOLICITATION NO: 2005-205

The federally-assisted construction contractor certifies that:

1. He/she does not maintain or provide for his/her employees any segregated facilities at any of his/her establishments, and
2. He/she does not permit his/her employees to perform their services at any location, under his/her control, where segregated facilities are maintained.

The federally-assisted construction contractor certifies further that he/she will not:

1. Maintain or provide for his/her employees any segregated facilities at any of his/her establishments, and that
2. He/she will not permit his/her employees to perform their services at any location, under his/her control, where segregated facilities are maintained.

The federally-assisted construction contractor agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract.

The federally-assisted construction contractor agrees that (except where he/she has obtained identical certifications from proposed subcontractors for specific time periods) he/she will obtain identical certifications in duplicate from proposed subcontractors prior to the award of Subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause, and that he/she will retain the duplicate of such certification in his/her files. The contractor will include the original in his/her Bid Package.

Green Concrete Construction

Company Name

8/1/05

Date

Owner

Title

Signature

**LABOR STANDARDS AND PREVAILING WAGE REQUIREMENTS
CERTIFICATION**

PROJECT: Ladrillo Street - Street & Drainage Improvements
SOLICITATION NO: 2005-205

1. The undersigned, having pledged to a contract with the City of El Paso for the construction of the above identified projects, acknowledges that:
 - a. The Labor Standards provisions are included in the aforesaid contract;
 - b. Correction of any infractions of the aforesaid conditions, including infractions by any of my subcontractors and any lower tier subcontractors, is my responsibility.
2. I certify that:
 - a. Neither I nor any firm, partnership or association in which I have substantial interest is designated as an ineligible contractor, by the Comptroller General of the United States pursuant to Section 5.6(b) of the Regulations of the Secretary of Labor, Part 5 (29 CFR, Part 5) or pursuant to Section 3 (a) of the Davis-Bacon Act, as amended [40 U.S.C. 276a-2(a)].
 - b. No part of the aforementioned contract has been or will be subcontracted to any subcontractor if any firm, corporation, partnership or association in which such subcontractor has substantial interest is designated as an ineligible contractor pursuant to any of the aforementioned regulatory or statutory provisions.
3. I agree to obtain and forward to the aforementioned recipient, the City of El Paso, within ten (10) consecutive calendar days after the execution of any subcontract, including those executed by my subcontractors and any lower tier subcontractors, a Subcontractor's Certification Concerning Labor Standards and Prevailing Wage Requirements executed by the subcontractors.
4. I certify that:
 - a. The legal name and the business address of the undersigned are:

Green Concrete Construction

P.O. Box 17693, El Paso, Texas 79917

- b. The undersigned is a:

☒ A Single Proprietorship

☐ A Corporation

☐ A Limited Partnership

☐ A Joint Venture

☐ Other: _____

Organized in the County of _____, State of _____
(Name of State)

LABOR STANDARDS AND PREVAILING WAGE REQUIREMENTS
CERTIFICATION, cont.

PROJECT: Ladrillo Street - Street & Drainage Improvements

SOLICITATION NO: 2005-205

- c. The name, title and address of the owner, partner, or officers of the undersigned are:

NAME

TITLE

ADDRESS

Filiberto Garay

Owner P.O. Box 17693, El Paso, Texas 79917

- d. The names and address of all other persons, both natural and corporate, having a substantial interest in the undersigned, and the nature of the interest are:

- e. The names, addresses and trade classifications of all other building construction contractors in which the undersigned has a substantial interest are:

NAME

ADDRESS

TRADE CLASSIFICATION

Green Concrete Construction

8/1/05

Company Name

Date

Owner

Signature

Title

**CERTIFICATION OF LOWER-TIER PARTICIPANTS
REGARDING DEBARMENT, SUSPENSION,
AND OTHER INELIGIBILITY AND VOLUNTARY EXCLUSION**

TO BE SUBMITTED BY ALL SUBCONTRACTORS

**Ladrillo Street - Street & Drainage Improvements
SOLICITATION NO. 2005-205**

Filiberto Garay -Green Concrete, certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

Filiberto Garay-Green Concrete, CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF THE CONTENTS OF THE STATEMENTS SUBMITTED ON OR WITH THIS CERTIFICATION AND UNDERSTANDS THAT THE PROVISIONS OF 31 U.S.C. SECTIONS 3801 ET SEQ. ARE APPLICABLE THERETO.

If the Lower Tier Participant is unable to certify to any of the statements in this certification, such participant shall attach an explanation to this proposal.

Filiberto Garay
Signature/Authorized Certifying Official

8/1/05

Date Signed

Filiberto Garay - Owner
Typed Name & Title

SELF-CERTIFICATION FORM

Socially or Economically Disadvantaged

**Ladrillo Street – Street & Drainage Improvements
SOLICITATION NO. 2005-205**

I am a member of the following Minority Group* (Circle One):

Black

Hispanic

American Indian

Oriental

Other: _____

(Specify)

I own controlling interest, at least fifty-one percent (51%), of the following business:

Green Concrete Construction

(Name of Firm)

I certify that the above is true.

Filiberto Garay

Typed Name & Title

Filiberto Garay
Signature8/1/05

Date

*Defined In Equal Employment Opportunity Requirements

CERTIFICATION REGARDING LOBBYING**Certification for Grants, Loans, and Cooperative Agreements****Ladrillo Street – Street & Drainage Improvements
SOLICITATION NO. 2005-205**

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an Officer or employee of Congress, or an employee of a Member of Congress in connection with the Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form LLL "Disclosure Form to Report Lobbying" in accordance with its instructions.
3. The undersigned shall require that the language in this certification be included in the award documents for all subawards exceeding \$100,000 at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any persons who fail to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Filiberto Garay
Signature/Authorized Certifying Official

Green Concrete Construction
Contractor/Subcontractor

Filiberto Garay – Owner
Typed Name & Title

8/1/05
Date Signed

EQUAL EMPLOYMENT OPPORTUNITY AGREEMENT FOR
PROJECT AREA BUSINESSES AND RESIDENTS

Ladrillo Street – Street & Drainage Improvements
SOLICITATION NO. 2005-205

[I PLEDGE AND AFFIRM THAT I HAVE OR WILL CARRY OUT THE FOLLOWING]:

1. Read all terms, conditions and requirements of the Equal Employment Opportunity Agreement set forth in Section IV-A.
2. Filled in completely all required information on the Section 3 Area Business Needs Form and Self Certification Forms, if applicable.
3. Provided for compliance with all conditions listed in this Agreement in a timely manner, including submission to the City of El Paso of an Equal Employment Opportunity Plan for the use of small businesses in the project area.
4. Contractor will not subcontract any work in connection with this project unless he/she first submits EEO Plan as described in Paragraph 3 above.

I HEREBY CERTIFY THAT ALL INFORMATION ABOVE IS TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND FURTHER BIND MYSELF TO CARRY OUT ALL COMPLIANCE REQUIREMENTS SET FORTH IN THIS CONTRACT.

Green Concrete Construction

Company Name

8/1/05

Date

Signature

Owner

Title

WARNING

U.S. Criminal Code, Section 1010, Title 18, U.S.C., provides in part:

"WHOEVER...MAKES, PASSES, UTTERS OR PUBLISHES ANY STATEMENT, KNOWING THE SAME TO BE FALSE...SHALL BE FINED NOT MORE THAN \$5,000 OR IMPRISONED NOT MORE THAN TWO YEARS, OR BOTH."